APPENDIX

AFFIDAVIT

Headquarters)
Potomac River Naval Command) ss.
Washington,)
District of Columbia)

I, Werner Windus, first being duly sworn, do depose and say as follows:

1. That I served as appointed defense counsel in the General Court-Martial case of United States v. Commander Richard G. Augenblick, tried at Potomac River Naval Command, Washington, District of Columbia, on 5 September 1961.

2. That at the Court of Inquiry investigating the incident which subsequently became the subject of the court-martial, Mr. William G. Mendelson, an agent of the Office of Naval Intelligence, testified that James O. Hodges, Jr., A3C, USAF, the person involved in the offense alleged against Commander Augenblick, was interviewed by him three or four hours after the said offense took place, and that at that interview he, Agent Mendelson, took notes. Agent Mendelson further testified that he did not have those notes with him but that he thought that he could produce them.

3. That subsequent to the said Court of Inquiry, either immediately after the session during which Agent Mendelson testified or within the next two or three days, I telephoned Agent Mendelson at his office and asked if I could see the notes to which he referred in his testimony before the Court of Inquiry. Agent Mendelson replied that on return to his office from the Court of Inquiry he had looked for the notes but was unable to locate them.

4. That I did not again make any inquiries of Agent Mendelson concerning the said notes.

/s/ WERNER WINDUS
Commander, USNR

Subscribed and sworn to before me this 8th day of July, 1963.

/s/ STUART L. GRANT
LT (j.g.) USNR
Authorized to administer oaths, 10 USC 936